

# Local Government Handbook - - - - 2002

## Chapter 1, Section 4

### **Elections** (revised 9/14/05)

Introduction .....	3
Pre-Elections .....	4
Adopting an Election Ordinance .....	4
Preparing an Election Timetable .....	5
Registering Voters .....	6
How Citizens Become Candidates .....	7
Placing Other Questions on the Ballot .....	8
Estimating Election Expenses .....	14
Ballot Preparation and Printing .....	14
Selection of Election Staff .....	15
Election Notice .....	16
Setting up the Polls .....	18
Election.....	18
Opening the Polls .....	19
Voter Registration, Signing in, Voting .....	20
The Ballot Box .....	22
Procedures for Challenging Voters and Questioned Ballots .....	21
Closing the Polls .....	23
Post-Election .....	23
Count of the Votes .....	23
Certification of Election.....	25
Records & Keeping a Permanent Election File .....	26
Special Election Topics .....	26
Absentee Voting.....	26
Tie Votes.....	27
Runoff Elections.....	27
Preparing for the Runoff Election .....	29
Recount .....	30
Contest of Election.....	31
Special Elections .....	31
Initiative .....	31
Referendum .....	34
Federal Voting Rights Act .....	35
Electioneering.....	36
Write-In Votes .....	37
Emergency Situations .....	37
Examples of Documents	
Election Ordinance Checklist .....	4
Declaration of Candidacy .....	x

---

Nominating Petition .....	X
Referendum Ballot .....	X
Recall Petition .....	X
Recall Ballot .....	X
Ordinance for Placing Question of Exemptions from the Conflict of Interest Law on the Ballot.....	X
General Election Ballot.....	X
Oath of Affidavit of Eligibility for Challenged/Questioned Ballots.....	X
Report of Elections Results .....	X
Certification of Election.....	X
Application for Absentee Ballot.....	X
Affidavit of Election Contest .....	X
Application for Initiative Petition .....	X
Initiative Petition .....	X
Application for Referendum.....	X
Referendum Petition .....	X

## Introduction

Elections are one of the most important things a local government administration does. AS 29.26.010 requires all municipalities to “prescribe the rules for conducting an election” and AS 29.26.040 calls for annual municipal elections, unless otherwise provided by ordinance. Alaska law establishes some of the procedures to be followed in municipal elections but requires that many of the election procedures be dictated by a local ordinance passed by the governing body.

The election ordinance should provide clear direction to the municipal clerk and the governing body on how to hold a municipal election. The election ordinance is, therefore, more detailed and lengthy than most of the other municipal ordinances. This section provides information on what should be contained in an election ordinance and emphasizes the preparation that is needed before an election.

Two points of special note are:

1. Changes made by the legislature to Title 29 of Alaska Statutes may affect procedures for local elections. These changes may require amendments to your municipality’s election ordinance. Well before the election, you should review your municipality’s election procedure every year. If you are unsure about whether a change is required, assistance is available from Department of Community and Economic Development staff.
2. The **Federal Voting Rights Act** applies to local elections. This federal law requires that proposed changes in local election procedures must be submitted to the United States Department of Justice (DOJ) for approval before the procedures can be applied. This applies to special elections, unless the election ordinance contains special election procedures and dates and the election ordinance has already received DOJ pre-clearance approval.

The topics discussed in this section are organized under these headings:

- Pre-Election
- Election
- Post-Election
- Special Election Topics

You should review your municipality’s election procedures carefully and, if the information presented in this section does not answer the questions you have you may want to contact the local government specialist for your region for additional information.

## Pre-Elections

### Adopting an Election Ordinance

An important step in preparing for an election is to examine your election ordinance to see if it contains all of the necessary instructions and procedures. If your election ordinance does not have enough detail about how an election is to be conducted, it would be a good idea to identify needed changes and adopt a new election ordinance. It should be adopted at least two months before the next election is held.

The following steps are recommended for those needing to revise the election ordinance:

Step 1. List the topics included in your present election ordinance. (These could include sections on terms of office, hours of voting, duties of the clerk, etc.)

Step 2. Compare the topics on your list with the topics found on the **Election Ordinance Checklist**

### **Election Ordinance Checklist**

Every basic election ordinance should address the following topics.

Check if yours includes these:

	Yes	No
1. Voter Qualifications		
2. Duties of the Clerk		
3. Duties of the Election Judges	<input type="checkbox"/>	<input type="checkbox"/>
4. Canvass Board (City Council)	<input type="checkbox"/>	<input type="checkbox"/>
5. Nomination Procedures for Candidates	<input type="checkbox"/>	<input type="checkbox"/>
6. Notice of Election	<input type="checkbox"/>	<input type="checkbox"/>
7. Election Equipment, Ballots	<input type="checkbox"/>	<input type="checkbox"/>
8. Election Procedures	<input type="checkbox"/>	<input type="checkbox"/>
9. Runoff Requirements	<input type="checkbox"/>	<input type="checkbox"/>
10. Canvass Election Results	<input type="checkbox"/>	<input type="checkbox"/>
11. Certification of the Election	<input type="checkbox"/>	<input type="checkbox"/>
12. Absentee Voting Procedures	<input type="checkbox"/>	<input type="checkbox"/>
13. Election Recount Procedures	<input type="checkbox"/>	<input type="checkbox"/>
14. Contest of Election Procedures	<input type="checkbox"/>	<input type="checkbox"/>
15. Terms of Office	<input type="checkbox"/>	<input type="checkbox"/>
16. Oath of Office for Election Judges	<input type="checkbox"/>	<input type="checkbox"/>

Step 3. Make a list of the topics that your ordinance does not include. Look at each item closely to see whether or not it might be needed for conducting your elections.

Step 4. If the ordinance needs to be amended, contact the local government specialist for your area if you need assistance.

Changes in your election ordinance require review by the U.S. Department of Justice to comply with the Federal Voting Rights Act. <http://www.usdoj.gov/crt/voting/index.htm>, This requirement is discussed in more detail later in this chapter.

## **Preparing an Election Timetable**

Using a timetable is necessary because an election involves so many mandatory activities falling on various dates. To ensure a well-run election it is important to plan it. An easy way to do this is to identify the required election activities and the dates that they have to be done. By doing this, you can figure what day notices must be posted and other actions completed in order to comply with the election ordinance and other applicable law.

To start, you will need a calendar that includes the month of your next regular election. Based on the information in your ordinances, decide what day your election will be held. For example, if your election were held on the first Tuesday of October, in 2000, that date would be October 3. If your ordinance provides for another date, find that date and place it next to the space for Election Day on your timetable.

Step 1. A minimum of ninety days before the election you should:

- Review the municipality's election ordinance to become familiar with the process and address any issues or questions.  
Determine if approval by the U.S. Department of Justice is needed for the election and the election procedure. (This would only be necessary if you made changes to your election ordinance or election practices, or you are holding a special election.)
- If preclearance is required, prepare and submit the request to the Department of Justice. (You may want to contact Department of Community and Economic Development local government staff for assistance with this.)

Step 2. Sixty days before the election, you should:

- Meet with the mayor and governing body to present your election plan and to discuss any election concerns.

Step 3. Thirty days before the election, you should:

- Post a notice announcing what seats are vacant and how to file for office (declaration of candidacy or nomination petitions).
- Request a copy of the master voter registration list.
- Prepare and post a notice of election. Note: Under state law (AS 29.26.030) there must be at least 20 days notice before the election, except for runoff elections.
- Close voter registration for the municipal election.

Step 4. Eighteen days before the election, you should:

- Select three election judges and a chairman.
- Make provisions for bilingual election judges (if necessary).

Step 5. Ten days before the election, you should:

- Close nominations.
- Prepare and post a sample ballot.  
Mail absentee voter packets.

Step 6. Five days before the election you should:

- Assign election judges' duties.
- Gather supplies and set up booths and ballot boxes.

### **Registering Voters**

A citizen must be registered to vote at least 30 days before the election to be eligible to vote in it. The master voter registration list, which election officials refer to at the polls, is commonly used to determine who is registered to vote. No one should be denied the right to vote based on the registration list. If a person's name doesn't appear on the list, he or she should be given a questioned ballot.

Voters are qualified if they meet state voter registration requirements and have resided in the municipality for at least 30 days immediately preceding the election. Keep in mind, however, that you should include residents who have established their residency but may not have been physically present in the municipality 30 days prior to the election due to conditions such as illness, temporary leave, or an emergency.

**Step 1.** Voters should register to vote with the Division of Elections. There are many opportunities to register to vote including on-line over the Internet at <http://www.gov.state.ak.us/lrgov/elections/regappf.htm> or at DMV offices, Health & Social Services offices, or by mail when filing for the Permanent Fund Dividend.

**Step 2.** The clerk's office should also provide Division of Elections Voter Applications to potential local voters. Advertise the availability of the applications to encourage registration of local residents.

**Step 3.** Thirty days before the election close voter registration for the municipal election. (Voters may, of course, register at any time during the year to be eligible to vote in elections; but after the 30-day deadline they may not vote in the upcoming municipal election.)

**Step 4.** Thirty days before the election, request a copy of the master voter registration list from the nearest State Election Supervisor's office.

**Step 5.** When the list is received, check it for persons who have moved or died and for persons who may appear on the list but who do not live in the municipality. Notify the Division of Elections so they can update the information. If someone registered within the 30-day deadline, but does not appear on the list, compile a separate list of these persons. This is the list you must use on Election Day to determine qualified voters.

### **How Citizens Become Candidates**

A citizen can become a candidate by following either one of two procedures specified in AS 29.26.020, the *declaration of candidacy* procedure or the *nominating petition* procedure. Some municipalities provide that either process can be used or that both

processes can be used.

Most municipalities establish by ordinance that nominations are made by the ***declaration of candidacy*** method.

- Usually 30 days before the election, the clerk makes available *declaration of candidacy* forms to interested persons.
- Forms should be completed and returned to the clerk by the candidate at least 10 days before the date of the election.
- Ten (10) days before the election, the nomination process is closed. The clerk checks to see that all *declaration of candidacy* forms have been completed and that all candidates are eligible. The clerk then prepares a final list of eligible candidates whose names will appear on the ballot.

The other way that a citizen may become a candidate, if established in the local ordinance, is the ***nominating petition*** method. Using the *nominating petition* method:

- The candidate must file a petition with the signatures of up to 10 registered voters (depending on the local ordinance requirement) to become a nominee.
- At least 10 days before the election date, the petition must be filed with the clerk. This completes the nomination process.

A qualified municipal voter can also declare himself/herself a write-in candidate. His or her name won't appear on the ballot but he/she can advertise to have his/her name written in the blank space on the ballot. Note: write-in candidates need to comply with financial disclosure if required by your municipality.

**Additional qualifications:** The governing body has the authority to require longer than 30 days' residency for someone wanting to be elected to municipal office. Requirements for residency longer than 30 days must be established by ordinance. AS 29.20.140 and AS 29.20.240 authorizes longer than a 30 day residency requirement up to three years; however, the Alaska Supreme Court has ruled the 3-year residency requirement authorized in statute unconstitutional.

Candidates for municipal office should be advised that the Alaska Campaign Disclosure Law (AS 15.13.010) may apply to them. Unless the municipality has voted to exempt itself, candidates are required to file reports with the Alaska Public Offices Commission (APOC). To receive further information, such as a candidate's financial disclosure manual, reporting forms, and other pertinent information, contact the APOC in Anchorage or Juneau. <http://www.state.ak.us/apoc/index.htm>

## **Placing Other Questions on the Ballot**

A number of questions, or propositions, may be placed on the ballot at the general or special election. Here are examples of eight of the most common.

**1. School Board Membership.** First class municipalities located in the unorganized borough constitute school districts. In many of these municipalities, one or more school

board positions are filled at the regular municipal election. The election of school board members should be guided by the local election ordinance.

In second-class municipalities in the unorganized borough, the Regional School Board organized by Rural Education Attendance Areas (REAA) is responsible for operation of the schools. The State conducts the election for the Regional School Board. An advisory community school committee may be established to provide residents the opportunity to advise and assist the regional school board. One or more of these advisory positions may have to be filled at the time of the regular municipal election; if so, the election should be conducted in the same manner as municipal elections.

2. **Tax Issues.** Certain tax propositions must be submitted to the voters for approval. Municipalities may levy and collect a sales tax with the consent of the majority of the voters. However, a sales tax or an increase in the maximum authorized tax rate approved by ordinance does not take effect until ratified by a majority of the voters. The proposition put before the voters on the ballot should identify not only the tax rate, but any exemptions, collection methods, and penalties.

Referendum Ballot  
CITY SALES TAX

The city council of \_\_\_\_\_ has adopted Ordinance 20-01 instituting, effective June 1, 2001, a three percent (3%) sales tax on all retail sales of goods and services within the city. In summary, the sales tax would be paid by the buyer and collected by the seller at the time of the sale. Violation of the ordinance shall constitute a misdemeanor punishable by a fine of not more than one hundred and fifty dollars (\$150.00) for each offense and/or imprisonment of not more than thirty (30) days. The city council estimates that the sales tax will generate about forty-five thousand dollars (\$45,000.00) of revenue annually.

Alaska Statutes 29.45.670 requires that this ordinance be ratified by city voters before it can take effect. A "YES" vote favors the sales tax; a "NO" vote opposes the sales tax.

Shall the city of \_\_\_\_\_ Alaska level and collect a sales tax of three percent (3%)?

Yes ( )

No ( )

Second class municipalities may, with the consent of the voters, levy and collect a property tax not to exceed two percent of the assessed valuation of the property taxed.

First class municipalities and boroughs are not required to put the question of property taxes on the ballot. A referendum question on the levy and collection of property tax in a second class city may be presented as follows:



Shall the City of \_\_\_\_\_, Alaska levy and collect a real and personal property tax not to exceed \_\_\_\_\_ mills?

Yes ( )

No ( )

If the property tax ordinance proposes exemptions to the tax such as those identified in AS 29.45.050, the property tax ordinance should be presented to the voters for approval in the same way as was shown for the sales tax.

3. **Bond Issues.** A municipality may issue, with the approval of a majority of its voters, general obligation bonds to acquire or complete public improvements. Notice requirements on proposed bond issues are stated in AS 29.47.190 (b). As an example, assuming the governing body has adopted an ordinance authorizing issuance of general obligation bonds in the amount of \$2,000,000 to construct a community center, the matter may be placed before the voters in substantially the following form:

Shall the city of \_\_\_\_\_, Alaska issue its general obligation bonds in the principal amount of not more than \$2,000,000 for the purpose of paying the cost of construction of a community center building?

Yes ( )

No ( )

Bonds are complicated financial transactions. The municipality should contact a bond counsel, financial consultant, or the Alaska Municipal Bond Bank for assistance in preparing and submitting questions involving issuance of bonds on the ballot.

4. **Municipal Manager Form of Government.** Residents of a municipality may adopt or repeal the manager form of government according to AS 29.20.460 - 520. The question of adoption or repeal may be placed before the voters in the following language:

Shall the City of \_\_\_\_\_, Alaska adopt (or retain) the manager form of government?

Yes ( ) No ( )

5. **Alcohol Control.** Questions concerning one or more liquor options in a municipality are covered in Title 4 of the Alaska Statutes. When a proper petition has been presented and has been accepted by the clerk, the question of the sale of alcohol, importation of alcohol, or possession of alcohol, must be put before the voters on a separate ballot if combined with a regular municipal election. A municipality interested in this issue should contact Department of Community and Economic Development local

government staff regarding language for the ballot and petitions for local options to go before the voters.

5. **Recall.** Any official who has been elected or appointed to an elective municipal office may be recalled by voters after serving the first 120 days of his/her term (AS 29.26.240). However, AS 29.26.260 requires that specific items be included in a recall application.

The application must be submitted to the municipal clerk. The municipal clerk reviews the petition and issues the recall petition if the application is complete (AS 29.26.270). It is recommended that the municipality consult its attorney on recall petitions. (The grounds for recall are “misconduct in office, incompetence, or failure to perform prescribed duties.” (AS 29.26.250.)

## RECALL PETITION

This petition seeks to recall (name of official) from the office of (name of office).

The grounds for this recall are: (Include grounds for recall here in 200 words or less)

This petition is issued on (date). Signatures on this petition must be secured within 60 days from this date.

		RESIDENCE	MAILING	
SIGNATURE	PRINTED NAME	ADDRESS	ADDRESS	DATE

The total number of signatures on this petition is \_\_\_\_\_.

STATEMENT OF (name of sponsor who circulated petition)

I, (name of sponsor who circulated petition), having been first duly sworn, swear that I personally circulated this petition, that all signatures were affixed in my presence, and that I believe them to be those of the persons whose names they purport to be.

DATE \_\_\_\_\_

NAME

Sufficient signatures must be obtained on the petition within 60 days of the petition's issuance before the municipal clerk can authorize a ballot.

The recall ballot contains the grounds for recall as stated in the petition.

## Sample recall ballot

<p><b><u>RECALL BALLOT</u></b></p> <p><b><u>GROUND FOR RECALL</u></b></p> <p><u>(Statement from recall petition)</u></p> <p><b><u>STATEMENT OF (NAME OF OFFICIAL SOUGHT TO BE RECALLED)</u></b></p> <p><u>(Statement of 200 words or less by official if filled with the clerk for publication and inspection within 20 days before election)</u></p> <p>SHALL (name of official sought to be recalled) BE RECALLED FROM THIS OFFICE OF (name of office)?</p> <p>YES    (    )</p> <p>NO     (    )</p>
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Procedures for conducting a recall election are explained in AS 29.26.320. If requested, local government specialists in the Division of Community and Business Development will assist local officials with a recall effort. It is a good idea for the municipality to budget extra funds for a recall election, should one be necessary. A recall election can cost nearly as much as a regular election.

7.     **Financial Disclosure.** AS 39.50.145 (Conflict of Interest) provides that municipalities may exempt their officers from the requirements that they disclose their sources of income and specific financial interests. The question of exemption must be submitted by ordinance and placed on the ballot of any regular or special election. Results of the election must be forwarded to the Alaska Public Offices Commission (APOC).

If the residents vote to exempt their public officials, the officials do not have to disclose sources of income and financial interests. If the residents vote “no”, all municipal officials must file public records of sources of income and financial interests. Municipal officials file their statements with the municipal clerk. All write-in candidates are required to comply with this as well.

Sample ordinance for placing the question of exemption from the COI

SAMPLE ORDINANCE FOR PLACING THE QUESTION OF EXEMPTION FROM THE CONFLICT  
OF INTEREST LAW (as 39.50) ON THE BALLOT

ORDINANCE NO. \_\_\_\_\_

THE CITY OF (name of municipality here) ORDAINS:

That the question of whether or not to exempt municipal officers and candidates for elective office from the requirements of the State of Alaska conflict of interest law (AS 39.50) shall be placed on the ballot.

(1) At the regular time to be held on (date of election here)

Or

(2) At a special election called for that purpose and scheduled to be held on (date of special election here).

NOTE: Use (1) above if the question is to be placed on a regular election ballot.

Use (2) above if the question is to be placed on a special election ballot.

\*Substitute "City" or "Municipality" as appropriate.

The question of financial disclosure may be placed on the ballot in the following manner:

Should city officials and candidates for elective office be required to file financial statements under the Conflict of Interest Law (AS 39.50) at the time they are nominated for office?

Yes ( )

No ( )

**8. Municipal Name Change.** AS 29.06.010 allows municipalities to change official names. First, the governing body must approve an ordinance calling for a municipal name change. Then, the approved ordinance must be voted upon at a regular or special election.

If approved, the results of the election, and a copy of the ordinance, are forwarded to the Lieutenant Governor. The Lieutenant Governor then issues an order to the municipality changing its name. The ballot for a name change might appear like this:

Shall the municipal name change provided for in Ordinance 20\_\_ - \_\_ be approved in order to change the name for the City of \_\_\_\_\_ to the City of \_\_\_\_\_ ?

Yes ( )

No ( )

### Estimating Election Expenses

Election expenses depend on several things. Some steps to follow are:

**Step 1.** Determine the number of ballots to be printed. (Note: A municipality that needs only 75 ballots and photocopies them will pay less for its ballots than a municipality that has 1,000 ballots printed).

**Step 2.** Determine the size of the ballot and style of printing. The type of printing that is done affects the price of printing more than any other factor. For example, a typed ballot that is photocopied may be one-fourth the cost of a printed or typeset ballot.

**Step 3.** Determine pay for election staff, including the election judges. A small municipality ordinarily employs three election judges while the polls are open. However, a larger municipality with more ballots may also employ clerks to assist the judges.

**Step 4.** Determine whether or not a **runoff election** is necessary. State law requires that a candidate receive 40% of the vote to be elected to office; however, a municipality may adopt an ordinance to exempt it from this requirement. If the municipality has passed an ordinance to not require runoff elections, then the municipality can declare the candidate with the most votes the winner and avoid the costs of a **runoff election**. The ordinance needs to specify whether or not in the case of a tie vote, a decision by lot (hat pick or coin toss, etc) is allowable. For those municipalities with a simple majority vote who do not have the “by lot” provision in their election ordinance, a **runoff election** may be necessary.

If the municipality has a 40% requirement and there are candidates that have not received the required amount of votes a **runoff election** may be necessary. It is a good idea for the municipality to budget extra funds for a runoff election, should one be necessary. A runoff election can cost nearly as much as a regular election.

Following is an example of an average election cost breakdown for the Municipality of Hargis Point, population 525:

Election Costs		
100 ballots, typeset print		\$200.00
Postage to and from Fairbanks	20.00	
American Flag	50.00	
Salary, City Clerk (overtime)	180.00	
Salaries - 3 election judges	170.00	
Copies: all notices, sample ballots	10.00	
	TOTAL	\$630.00

A minimum amount you should budget for elections is \$1,000 annually.

### **Ballot Preparation and Printing**

After the governing body has identified what questions to place on the ballot in addition to council seats, the clerk can prepare the ballot, as follows:

**Step 1.** Clerk constructs a ballot that includes all names of candidates for council seats, spaces for write-ins, and other propositions or questions.

**Step 2.** The draft ballot is reviewed and approved by the mayor or governing body.

**Step 3.** Ballots are printed using a standard form that is the choice of the governing body. Printing can mean any one of the following: mimeograph copy, photocopy, or typeset printing. Ballots should be ready for posting at least 10 days before the election.

CITY OF White River, Alaska  
REGULAR ELECTION BALLOT  
INSTRUCTIONS

Mark only by use of "X" marks. Place marks in squares at the left of the candidates' names or propositions you wish to vote for.

DO NOT vote for more than one person for each office. To vote for a person whose name is not printed on the ballot, write his or her name in the blank space below the list of candidates.

If your ballot is marked incorrectly or if you wish to change your vote, return your ballot to the election judge who will issue you a new ballot.

CITY COUNCILMEMBER

SEAT A: ONE YEAR

(VOTE FOR ONE)

- ☐ Albert Allen
- ☐ Betty Burns
- ☐ \_\_\_\_\_

CITY COUNCILMEMBER

SEAT B: ONE YEAR

(VOTE FOR ONE)

- ☐ George Goodfellow
- ☐ Frank Foster
- ☐ \_\_\_\_\_

CITY COUNCILMEMBER

SEAT D: TWO YEARS

(VOTE FOR ONE)

- ☐ Ethel Edwardson
- ☐ \_\_\_\_\_

CITY COUNCILMEMBER

SEAT G: THREE YEARS

(VOTE FOR ONE)

- ☐ Doris Davis
- ☐ Chuck Citta
- ☐ \_\_\_\_\_

### Selection of Election Staff

To conduct a successful election, the municipal governing body should make sure that the clerk and others have been given specific duties to perform during the election. In every election, key personnel are the:

**Election Supervisor.** State law AS 29.20.380, provides that the municipal clerk shall, “administer all municipal elections.” The clerk acts as the supervisor of elections and organizes and runs the election.

**Election Judges.** The election ordinance must call for the appointment of a minimum of three election judges. Election judges must be registered voters in the precinct for which they are appointed, unless no voter is willing to serve (AS 29.26.010). Their job is to pass out ballots, assist voters, and count ballots. The governing body generally appoints election judges 30 days before the election. In larger municipalities, election clerks, who assist the judges, count votes.

**Canvass Board.** The municipal governing body is designated as the canvass board in most election ordinances. The main job of the canvass board is to review or canvass the conduct of the election and declare the final vote count.

No later than the day before the election, assignments must be given to all staff who will work on the election. In the case of the judges, the first judge should be in charge of the voter registration list; the second judge should be in charge of handing out the ballots; and the third judge should be in charge of the ballot box. Following appointment, the judges select a chairman, who formally transmits the election results to the clerk. Election judges should sign an oath that is dated, attested, and filed with the municipal clerk.

"I, _____ do solemnly swear that I will honestly and faithfully perform the duties of an election judge. All of this I will perform to the best of my ability."
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## **Election Notice**

Election notices are a very important part of the election process. Election notices make sure all voters are aware that the election will take place on a specific date and where votes can be cast. By properly posting the election notice, the municipality can avoid serious and expensive legal problems.

A notice of election is prepared by the clerk and includes specific information concerning the election. It is usually prepared on one page and includes the following information: Date; polling locations; hours the polls are open; description of seats to be filled; propositions to be placed on the ballot; description of municipal boundaries, or simply state, “Municipality of \_\_\_\_\_”; and a list of voter qualifications.

Under state law (AS 29.26.030) notice be posted at least 20 days (longer if local ordinance requires) before the date of the election. Notice must be posted in at least three public places, such as the municipal offices (this is mandatory), the school, the post office, and the store, or wherever your ordinance might require. It should also be published in the local newspaper (if one is available).



## NOTICE OF REGULAR MUNICIPAL ELECTION

CITY OF \_\_\_\_\_, ALASKA

To be held: October 7 2003

FOR THE PURPOSE OF FILLING THREE (3) VACANT SEATS ON THE CITY COUNCIL OF

\_\_\_\_\_.

SEAT A: 3-YEAR TERM

SEAT D: 3-YEAR TERM

SEAT F: 3-YEAR TERM

## VOTER QUALIFICATIONS:

1. QUALIFIED TO VOTE IN STATE ELECTIONS
2. RESIDENT OF THE MUNICIPALITY FOR 30 DAYS  
IMMEDIATELY PRECEDING THE ELECTION

POLLS WILL OPEN: 8 A.M., OCTOBER 7, 2003

POLLS WILL CLOSE 8 P.M., OCTOBER 7, 2003

LOCATION OF THE POLLS: CITY OFFICE

- **For those municipalities with more than one precinct, specify the precinct and the location of the polls in the precinct**

**VOTING BOUNDARY (PRECINCT)**

Candidates for office must file a [specify the type of declaration of candidacy form] with the city clerk no later than [cutoff date for filing]. Form may be obtained from the city clerk at city hall from 8:00 a.m. to 5:00 p.m.

\_\_\_\_\_  
DATE

ATTEST: \_\_\_\_\_

CITY CLERK

CITY SEAL

## **Setting up the Polls**

No matter how large or how small your voting space is, it is a good idea to plan a simple layout for three activities to take place:

- Registration sign in of voters.
- Voting (Booth).
- Balloting (Ballot Box).

**Step 1.** Arrange at least one table for the judges, which allows room for registration materials and ballots.

**Step 2.** Set up another area for the ballot box within plain view of the Judges.

**Step 3.** Set up at least one booth for voters which is covered on at least three sides, but within view of the Judges.

**Step 4.** Before the polls open, double check to make sure the election staff, election documents, and equipment are ready.

Set up the polls to allow a good work area for the judges and privacy for the voter.

## **Election Day - Before the Polls Open**

1. Report to the polling place at 7:30 a.m.
2. Complete polling place set-up.
3. Place the following in the polling booth:
  - (a.) "How To" Poster.
  - (b.) Pencil for marking ballot.

## **Place the following items on the table:**

1. A Precinct Register.
2. A large envelope for "Questioned Ballots" and a large envelope for "Spoiled Ballots".
3. Questioned ballot Oath and Affidavit envelopes with secrecy envelopes.
4. Official ballots.
5. Blue or black pens.
6. A blank register.

**The following items must be available in the polling place:**

1. Sample ballots.
2. "Instructions to Voters in Municipal Elections."
3. Election Ordinance.
4. Copy of Proposition.

**Post the following materials so that they are visible to voters:**

1. Electioneering notice so that it is on or near the entrance to the polling place.
2. The poster regarding a questioned ballot and identification.
3. Precinct map and polling place list, if they are provided.

**Display the American flag on the outside of the polling place in a position visible to approaching voters.**

When the flag is displayed in a manner other than by being flown from a staff, it should be displayed flat. When displayed either horizontally or vertically against a wall, the union should be uppermost and to the observer's left. When displayed in a window, it should be displayed in the same way; that is, with the union or blue field to the left of the observer in the street.

**Record the number of official ballots received** on the "Report of Preliminary Election Results (Form G)" in Part III Accounting of Ballots, on the line that reads, "Total Ballots Received from Municipal Clerk".

**Open, exhibit, close and lock or seal the empty ballot box.**

**DO NOT REOPEN THE BALLOT BOX UNTIL THE POLLS CLOSE.**

**Election Day****Opening the Polls**

The election supervisor, or the chairman of the election judges, announces that the polls are open. Usually this means that at 8:00 AM, the official in charge announces, "The polls for the general municipal election in the Municipality of are open." (Note: your local ordinance may provide a different time for the polls to open.) Voting can then begin.

## **Voter Registration, Signing in, Voting**

Following is the normal flow of events for a voter in the election process:

1. The voter enters and announces name.
2. The voter provides one piece of identification to the election official. This ID could be one of the following: official voter card, driver's license, passport, birth certificate, hunting or fishing license, senior citizen's ID card, Indian health service ID card, military ID card, signed polling place ID card, college ID card, or union ID card.
3. The election official locates the voter's name on the Precinct Register and asks the voter for his or her residence and mailing addresses.
4. The voter signs above the printed name next to the "X" in the box provided (voter does not sign last name first).
5. The election official checks one of the blocks on the Precinct Register regarding identification. VC stands for voter's card; OI stands for other identification; and PK stands for personally known.

In order for an election official to say that he personally knows a person, they must be able to call that person by first and last name.

6. If a voter has a change of address, ask the voter to vote a questioned ballot and to complete a voter registration form. Address changes written on the Precinct Register will not be processed
7. After the voter has signed the Precinct Register, give the voter a ballot noting its number in the register next to the voter's name.
8. The election official then instructs the voter to fold his ballot in a manner displaying the number on the ballot after voting but not revealing how he voted and deliver it to one of the judges or clerks.
9. The voter goes to a polling booth or private place to mark the ballot(s).
10. The voter returns the voted ballot(s), which is folded to protect the secrecy of the ballot(s), to the election official.
11. The election official removes the numbered stub(s) and checks to be sure that there is one stub for each ballot issued to the voter.
12. The voter deposits the ballot in the ballot box unless he requests one of the election judges to do so for him.

All types of ballots must be provided the voter. Whether or not they vote each ballot is their choice. All ballots issued to the voter must be returned to the election official for removal of the numbered stub(s). The ballots are then dropped in the ballot box. **YOU MUST GET BACK THE SAME NUMBER OF BALLOTS AS YOU ISSUED TO THE VOTER.**

## Challenged/Questioned Ballots

**Step 1.** The election judge checks the voter's name against **the master voter registration list**. This process double checks the voter's name as it appears on the list to make sure that he or she is a qualified voter.

If the voter's name does not appear on the list, the judge should do one of two things. Check the list of newly registered voters to see if the voter registered to vote 30 days prior to the election. This would explain a name not appearing on the master list. If, however, the voter's name does not appear on either list, the judge must require the voter to complete a "questioned ballot" and sign an oath and affidavit of eligibility.

**Step 2.** Once the voter has shown identification and been found on the registered voter list, the judge has the voter sign his name in the appropriate location on the voter registration list. If the voter is not on the list but still wishes to vote, have him/her sign their name on the questioned ballot list. (Sometimes, extra space on the master voter registration list is used.) The second judge gives the voter a ballot. If necessary, the judge also refers to the written instructions and explains the process for marking the ballot (care should be taken not to point out a specific name or item on the ballot).

### OATH AND AFFIDAVIT OF ELIGIBILITY FOR CHALLENGED/QUESTIONED BALLOTS

I, \_\_\_\_\_, DO HEREBY DECLARE THAT I AM A RESIDENT OF THE MUNICIPALITY OF \_\_\_\_\_, ALASKA, AND MEET ALL OF THE MINIMUM REQUIREMENTS SET FORTH BY LOCAL ORDINANCES AND STATE LAW TO VOTE IN THIS ELECTION.

I AM NOT DISQUALIFIED, AND HAVE NOT VOTED IN THIS ELECTION.

SIGNED

\_\_\_\_\_  
NAME

\_\_\_\_\_  
ADDRESS

**Step 3.** The voter is now ready to cast his ballot. The voter enters the booth prior to marking the ballot. If the voter makes a mistake in completing the ballot, the voter must return the ballot to an election judge for examination. If the judge determines that the ballot is spoiled, the judge issues the voter a new ballot and collects the spoiled one. Since all the ballots are numbered, the number on the spoiled ballot must be recorded so

it can be accounted for at the end of the day. With the ballot completed, the voter then folds the ballot in half, and gives it to the third election judge. The judge places it directly in the ballot box.

*If the voter is casting a questioned ballot, the judge should place the ballot, together with the voter's oath and affidavit of eligibility, inside an envelope marked 'questioned ballot' before placing it in the ballot box*

### **The Ballot Box**

A ballot box must meet some minimum standards. It should be an enclosed container made of wood, metal, plastic, or other suitably secure substance, and it should be equipped with a lock. Election judges witness the locking of the ballot box and verify it is empty before voting starts, and are present when it is unlocked to count the ballots. It should be placed in plain view of the election judges at all times during the election.

### **Procedures for Challenging Voters and Questioned Ballots**

At the polls, if an election official determines that a person who wants to vote may not be qualified, the voter may be challenged. Any voter may also challenge another voter's right to vote - not just an election official. The procedure for allowing a challenged voter to vote is as follows:

**Step 1.** Before voting, the challenged voter must take an oath and sign an affidavit provided by the clerk. The affidavit is a statement by the voter that he is a duly qualified voter, that he is not disqualified, and that he has not already voted in the same election.

**Step 2.** When the oath has been taken and the affidavit signed, these documents are turned over to the clerk.

**Step 3.** The challenged voter may cast his ballot after the oath and affidavit is determined to be complete by the election judge. If they are not, the voter may not cast his ballot.

**Step 4.** The voter casts his vote, and places the questioned ballot in a plain envelope.

**Step 5.** This envelope is then placed in another, larger envelope containing the voter's oath and affidavit.

**Step 6.** The envelope is placed in the ballot box. Before the votes are counted, the clerk should contact the **Division of Elections** to determine the validity of the challenge.

**Step 7.** The clerk turns over the ballot box to the canvass committee and will recommend whether or not to accept the ballot based on information from the Division of Elections.

**Step 8.** The canvass committee approves or rejects the ballot. If it is approved, it is counted in the official vote count. If it is rejected, it is disposed of, and the voter is to be

notified of the reason for rejection.

**Under no circumstances should a rejected ballot be opened. The challenged ballot should be kept unopened until the deadline to contest the election is passed.**

### **Closing the Polls**

The polls must remain open until the closing time stated in your local ordinance. (This is usually 8:00 PM)

When the polls close, the election supervisor, or clerk, announces, "The polls for the general municipal election in the Municipality of \_\_\_\_\_ are now closed."

From that point on, only voters waiting in line may cast ballots. If no one is waiting, the polls are closed immediately and the election is over.

### **Post-Elections**

#### **Count of the Votes**

The count of the votes cast in the election follows these steps:

**Step 1.** Provide a prepared tally sheet for the election clerks and judges to count the votes on.

**Step 2.** The election judges open the ballot box and begin the vote count, using the tally sheets. Ballots are counted, recounted, and then placed in an envelope for the election supervisor.

**Step 3.** Each election judge should perform a different task to count the votes. One election judge should read the ballot, the second election judge should watch the ballot and listen to the first judge to make sure the ballot is read correctly, and the third election judge should use the tally sheet to record the vote. The election supervisor should maintain a second tally sheet to confirm the count and watch the third judge mark the tally sheet to make sure no mistakes are made. If two tally sheets are being done at the same time, "tally" is called every time a multiple of 5 is reached for any one candidate or ballot proposition. At 25 ballots change the color of ink and check the tally sheets against each other.

**Step 4.** If, for any reason, it is impossible for the election judges to determine a voter's choice from his ballot (he may, for example, have marked the names of more than one candidate for an office), the ballot shall be marked defective and that portion of the ballot is not counted. Similarly, ballots to which an objection has been made shall be marked "Objected To" and not counted. An explanation of the defect or objection shall be written on the back of the ballot and signed by the chairman. These ballots are then put into an envelope marked "Defective and Objected Ballots" and turned over to the municipal

clerk, who keeps a record of them.

### **Closing the Polls**

1. Fifteen minutes before the polls close, announce that the polls will close in fifteen minutes.
2. At closing time declare the polls closed. Allow everyone still in line at the time the polls close to vote.
3. Remove the flag.
4. Seal the envelope containing numbered stubs from all voted ballots.
5. Fill in the **Report of Preliminary Election Results** section on Accounting of Ballots by completing the following:
  - a. Count the number of voters who signed the register voting a regular ballot. Record this number on the line, "Total Regular Ballots Cast".
  - b. Count the number of voters who voted questioned ballots. Record this number on the line, "Total Questioned Ballots cast".
  - c. Count the number of defective or spoiled ballots, record this number on the "Total Ballots Returned to Clerk: Defective or Spoiled" line.
  - d. Count the number of unused ballots, record this number on the "Total Ballots Returned to Clerk: Unused" line.
  - e. Add the totals together, this number should equal the total ballots received from the municipal clerk.
6. Destroy the unused ballots by tearing them in half before opening the ballot box.
7. Open the ballot box and remove the ballots. Then:
  - a. Separate the Questioned Ballot Oath and Affidavit envelopes and compare them to the numbers in the Questioned Voter Register.  
  
If the two do not match, the election official may need to:
    - (1) Record the name of a questioned voter who did not sign the register;
    - (2) Record that a questioned voter's ballot was dropped directly into the ballot box rather than placed in the Questioned Ballot Oath and Affidavit envelope; or
    - (3) Provide any other pertinent information in the Questioned Voter Register.
  - b. Place all the Questioned Ballot Oath Affidavit envelopes in an envelope marked "Questioned Ballots" to be returned to the Election Supervisor.



- c. Place any voted Absentee Ballot Affidavit envelopes in the “Absentee Ballot” envelope to be returned to the Election Supervisor.
8. To count the ballots:
  - a. Sort the voted ballots by type--candidate, proposition, etc.
  - b. Sort the ballots into groups of 25.
  - c. Tally the ballots using an original and duplicate tally sheet.
  - d. Record the totals from the tallying of the ballots on the right side of each tally page. Record the totals on **the "Report of Preliminary Election Results "**. Complete all necessary certifications.
9. After tallying all the ballots, place all counted ballots in the envelope for the Election Supervisor.
10. Seal the envelope securely and run strapping tape around the envelope. Initial across the tape after the wrapping is complete and give to the Election Supervisor.
11. Remove all notices and materials from the polling booth and polling place.
12. Complete the Timesheet and any other forms.
13. Place all election materials in their appropriate envelopes.

### **Certification of Election or Canvass**

**Step 1.** The canvass committee, usually the municipal governing body, holds a public meeting on the first Friday after the election or as stated in local ordinance to canvass or review all absentee, questioned, and defective ballots. This canvass committee, not the election judges, reviews and eventually approves the election results.

- Accepted absentee ballots are removed from their return envelopes, placed in the ballot box, and then counted one by one, as were the ballots cast at the polls. (See next page: Absentee Voting)
- The municipal clerk investigates challenged ballots before the canvas meeting and, using the results of the clerk’s investigation, the ballots are either accepted or rejected at the meeting. If accepted the questioned ballot is counted. If rejected, the ballot is not counted with the absentee ballots. The municipal clerk will notify a voter whose ballot is not counted that the challenge of his vote was upheld.

**Step 2.** If the canvass committee, after reviewing the results of the election, determines that the election was properly held, a statement is recorded in the governing body minutes that the election procedures were in order. The total number of votes cast for each candidate and for and against each proposition or question is attached to, or recorded in, the minutes of the governing body meeting. If the election judges report that the election was not in order, the governing body may declare the election invalid and order a new election.

**Step 3.** If the election is declared valid, the governing body authorizes the clerk to issue a **certificate of election**, signed by the mayor and clerk. The **certificate should record the final vote for all candidates and propositions.**

### **Records: Keeping a Permanent Election File**

Election results are recorded and filed by the municipal clerk. This is done by making four files, and labeling each with the current year.

1. Report of election results, 2001
2. Individual certificates of election, 2001
3. Governing body-certification of election, 2001
4. A copy of the Ballot, 2001

All documents from the 2001 election, in the above example, are then carefully filed within their appropriate folders.

### **Special Elections Topics**

#### **Absentee Voting**

If a voter is not able to be at the polls on Election Day he or she may vote absentee. There are five steps involved in preparing an absentee ballot for the voter:

**Step 1.** Within the timeframe stated in your ordinance, usually not more than 20 days nor less than five days before the regular municipal election, any properly registered voter who expects to be absent from the municipality on election day may request from the clerk an absentee ballot. If requested by mail, the request should be in writing, be signed by the applicant, and show the voter's place of residence. (Time limits for receipt of such requests are set by local ordinance.) The request may also be made in person, by fax, or, in some cases, on-line.

**Step 2.** The clerk will give or send the voter an absentee ballot and a certified statement, or affidavit, which is to be completed by the voter and returned with his ballot.

**Step 3.** The voter casts his or her ballot, returning it and the affidavit to the municipal clerk either by mail or in person. If delivered in person, the clerk must receive the ballot by the time stated in ordinance (usually the deadline is the day before the regular election). The date and time received should be recorded on the envelope.

**Step 4.** The clerk holds all absentee ballots unopened in a secure place. When the municipal governing body convenes as the canvass committee to receive the report of the election judges, absentee ballot affidavits should be approved or rejected. The governing body may reject ballots of persons who are not qualified voters or who failed to complete the affidavit accompanying the ballot.

**Step 5.** The result of the separate count of the absentee ballots by the canvass committee is added to the total votes counted by the judges before the **certificate of election** is issued.

### **Tie Votes**

If an election results in a tie, the governing body should order a recount of the voted ballots to confirm the tie. The election ordinance should provide the method used to decide a tie vote (for example, drawing the winner's name out of a hat or coin toss).

### **Runoff Election**

Runoff elections are required if no candidate receives at least 40 percent of the votes cast for a particular office, unless a simple majority is allowed by ordinance. This is for both designated and at-large seats. A municipality can amend their ordinance to do away with the 40% requirement. This runoff requirement is imposed by AS 29.26.060.

If the canvass committee determines that a certain candidate received the highest number of votes for an office, and received at least 40 percent of the number of votes cast for the office, the committee certifies the election of that candidate. However, if the candidate received the highest number but less than 40 percent of the votes cast for all candidates, the committee cannot certify the election of that candidate. Instead, it must order a runoff election unless an ordinance has been adopted that declares that the person with the highest number of votes is elected regardless of the percentage received of the total vote.

Example 1. The City of Cheyenne is conducting its regular municipal election. Seven candidates have filed for the three seats on the city council, which are to be filled "at large" by the voters at the election. This means that the three top voter getters will fill the three open governing body seats. When the ballots are counted, a number of votes are for a write-in candidate, John Jones.

With 120 ballots cast and every voter entitled to select not more than 3 candidates for a total of 360 votes, the results are as follows:

VOTE FOR THREE	
George Goodfellow	95
Albert Allen	47
Betty Burns	29
Frank Foster	25
Ethel Edwardson	82
John Jones (write in)	35
Doris Davis	27
Chuck Citta	20
Total Votes Cast	360

After verifying that 360 votes were cast, the governing body applied the 40 percent requirement before certifying the results and declaring candidates elected. Forty percent of 120 is 48. Both George Goodfellow and Ethel Edwardson received more than 48 votes. At the first council meeting after the election, the council may properly certify their election. The third ranking candidate, Albert Allen, received only 47 votes. Although he leads the fourth place candidate by 12 votes, Allen has not received the required 40 percent. Unless an ordinance that would avoid a runoff election has been passed (simple majority); the council cannot certify this election. It must order a runoff election between the third and fourth place candidates, Allen and Jones (the write-in candidate), to determine which of them is to fill the seat. If the election ordinance does not require a runoff but declares the person getting the most votes the winner (simple majority), the council can certify the election of Albert Allen as well as George Goodfellow and Ethel Edwardson.

**Example 2.** This time, out of 360 votes cast only one candidate gets more than 40% of the vote. The results are as follows:

VOTE FOR THREE	
George Goodfellow	50
Albert Allen	45
Betty Burns	47
Frank Foster	46
Ethel Edwardson	47
John Jones (write in)	42

Doris Davis	41
Chuck Citta	42
Total Votes Cast	360

After verifying that 360 votes were cast, the governing body applies the 40% requirement by dividing the total by the three seats, which is 120 per seat. Forty percent of 120 is 48. George Goodfellow may be declared the only winner. No other candidate received 48 votes. The governing body must order a runoff election and there must be two runoff candidates for each unfilled seat. As two seats (of the three to be filled) are still open, the governing body must designate the four candidates with the next highest votes for a runoff election. It orders that the names of Albert Allen, Betty Burns, Frank Foster and Ethel Edwardson be entered on the runoff ballot.

Municipalities may avoid the extra costs and time delays of runoff elections by passing an ordinance that states that the candidate getting the highest number of votes for a seat is elected. Otherwise, the following steps describe the process for conducting a runoff election for an office when no candidate for the office receives at least 40% of the votes in a regular election.

### **Preparing for the Runoff Election**

The way the runoff election is held is similar to the regular municipal election process. However, there are five differences, as indicated in the following steps:

**Step 1.** Alaska Statute 29.26.060(c) provides that a runoff election must be held within three weeks after the date of certification of the election, unless otherwise provided by ordinance. Unless the local election ordinance provides for a different timeframe, the election must be held within the three-week time frame spelled out in statute. If the runoff election is not held within the stated timeframe, the municipality needs to get the U.S. Department of Justice to approve through preclearance a special election date. .

**Step 2.** At the first governing body meeting following the regular municipal election, the governing body designates the names of persons that will appear on the runoff ballot. Only the names identified by the governing body appear on the runoff ballot. No votes for write-in candidates are allowed. If a person's name appears on the ballot and he or she chooses not to serve if elected, the person can take office and resign or fail to take office and the governing body will declare the seat vacant.

**Step 3.** After determining who the candidates will be, the governing body specifies the date when the runoff election is to be held. AS 29.26.060(c) states "unless otherwise provided by ordinance, a runoff election shall be held within three weeks after the date of certification of the election for which a runoff is required, and notice of the runoff election shall be published at least five days before the election date."

**Step 4.** Following the designation of an election date and at least five days before the runoff election, the clerk posts notice of the **runoff election**, with the names of the candidates who will appear on the runoff ballot listed.

**Step 5.** Finally, in a runoff election, no space should be left on the ballot for writing in the names of persons who are not candidates, and no write-in name should be counted. The only names to be counted are the names provided on the ballot prepared by the municipality.

Other than the differences listed above, the runoff election is like a regular election in all other ways. Ballots should be printed, judges designated, the standard voting procedures followed, and the count by the election judges performed in the same way as for the regular election. The election judges should prepare a report of preliminary election results, and the municipal clerk must make a report to the canvass committee (usually the municipal governing body) at the meeting to canvass the election. After receiving the report, the canvass committee should hear any protests and appeals, enter a decision, and certify the names of those elected at the runoff election. The final report of election results is then prepared.

**Note:** State statutes do not impose a 40 percent requirement on the results of a runoff election. Provided that the local election ordinance does not require that a candidate receive a percentage of the runoff votes cast, the canvass committee shall certify the candidates receiving the highest numbers of votes cast and declare the candidates elected. Also, by limiting the field to two candidates for each seat, one candidate should get at least 40% of the vote.

## **Recount**

The steps for a recount of the votes are as follows:

**Step 1.** A defeated candidate or any qualified voter who believes there may have been an error in the vote count may request a recount. The request must be presented in writing (AS 26.26.070(b)), before, or at least at the time of, the first canvass of ballots by the canvass committee. The affidavit should include:

- A statement explaining why it is believed that the votes were not correctly counted.
- The particular office, seat, or proposition that is questioned.
- A statement that the person making the request is a candidate or a qualified voter.
- The signature of the candidate or voter seeking a recount.

**Step 2.** If the reason for the request is a belief that the count of votes was in error, and no prohibited practices are alleged, the governing body directs the mayor and municipal clerk, to conduct a recount and report the results back to the governing body. (The governing body may elect to appoint a recount board to conduct the recount in place of the mayor and clerk.) If prohibited election practices are alleged, the governing body directs the mayor and clerk, or recount board, to investigate and, if warranted, to conduct

a recount.

**Step 3.** If the recount is done, the mayor and clerk, or recount board reports the official election results to the governing body.

**Step 4.** If the results are changed by the recount, the clerk, at the direction of the governing body, prepares a new “**certification of election**” for the candidates and provides a copy to the governing body.

**Step 5.** The recount expenses may be billed to the party requesting the recount. AS 29.26.070(d) states: “ A contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse a result of the election, or the difference between the winning and losing vote on the result contested is more than two percent.

### **Contest of Election**

The procedure for contesting an election is similar to that for requesting a recount of the votes; however, a contest of election does not simply question the count of votes. It usually suggests one or more of the following situations:

- Misconduct, fraud, or corruption of an election official which is sufficient to change the results of the election.
- Corrupt election practice in conflict with the laws of the state that may change the results of the election.

Like the recount procedure, the contest of election procedure is initiated by a written statement of a candidate or qualified voter and follows these steps:

**Step 1.** The person(s) requesting an investigation presents a sworn written affidavit before or at the time of the first canvass of the ballots by the canvass committee. The affidavit must include:

- The election seat or proposition being contested.
- The grounds for the contest or statement suggesting malpractice, fraud, etc.
- The signature of the person submitting the affidavit.

**Step 2.** The canvass committee (usually the municipal governing body) then directs the clerk and municipal attorney to investigate the election proceedings and report to the governing body.

**Step 3.** When the governing body receives the results of the investigation, it must rule on the evidence submitted. If the results of the investigation show that the election was held improperly, a new election is scheduled.

### **Special Elections**

The governing body may, by resolution, call a special election with at least 20 day's

notice. Special elections may be called for several purposes. Among these are adopting the municipal management form of government, conducting a local option election, conducting a recall election, etc. The process follows the same procedure as outlined for general elections except that the dates for special elections must be “precleared” by the U.S. Department of Justice under the Federal Voting Rights Act.

## **Initiative**

Initiative is the term used to identify the process that residents of a municipality may use to make proposals to be adopted by ordinances or resolutions by petition and popular vote independent of municipal government action. AS 29.26.100 - AS 29.26.190 provides for the following initiative process:

**Step 1:** The petitioners submit an application to the clerk. The application must contain the ordinance or resolution to be initiated, the name and address of a contact person and alternate where correspondence regarding the petition can be sent, and the signatures of 10 or more voters. The clerk reviews the petition to ensure it is in proper form, includes only a single subject, relates to a legislative matter, and is enforceable. (AS 29.26.110)

Once the clerk determines the application is acceptable, a petition shall be prepared by the municipal clerk within two weeks after the clerk has certified the application (AS 29.26.120). The petition must include:

- a summary of the ordinance or resolution which is the subject of the petition. If there is more than one page, this summary must be included on each page;
- the full text of the ordinance or resolution which is the subject of the petition;
- the date on which the petition is issued by the clerk and notice that the signatures must be obtained within 90 days of the date of first circulation;
- spaces for signers to enter their signatures and print their names, the date of signing, and their residence and mailing addresses;
- space to record the total number of signatures; and
- a sworn statement by the sponsor that all signatures were signed in the presence of the sponsor by the persons who the sponsor believes them to be.

The number of required signatures is at least 25 percent of the voters who voted in the last general election if your municipality has less than 7,500 residents. If your community has 7,500 or more residents, then at least 15 percent of the number of persons voting in the last regular election must sign the petition. (AS 29.26.130) (Note: there is a different requirement for an Alcohol Local Option election.)

**Step 2.** Within ten days of filing the signed petition, the municipal clerk must determine whether the petition has the right number of signatures. (AS.29.26.140)

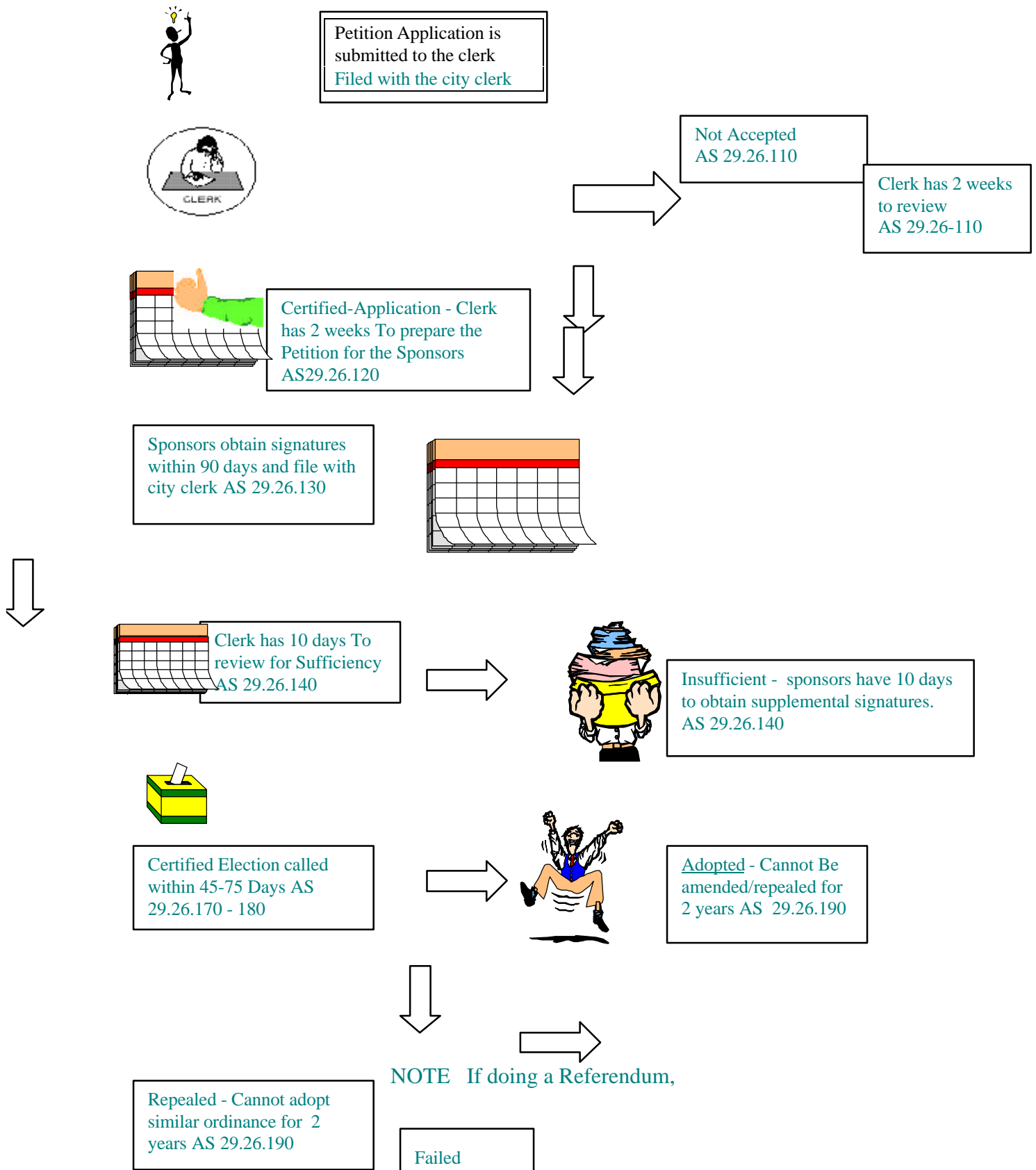
**Step 3.** If sufficient, the clerk presents the initiative petition to the governing body at the first meeting following certification. If insufficient, petitioners must be notified immediately and they have ten days from the time of rejection to correct the deficiencies



and resubmit the petition. If insufficient, a second time, the process is ended. (AS 29.26.140) A petitioner has seven days after certification to protest a sufficiency determination. (AS 29.26.150) An identical petition cannot be resubmitted within six months of the date of final rejection of the original. (AS.29.26.160)

**Step 4.** Unless the governing body enacts a law substantially similar to the one proposed, the governing body submits the proposal to the voters at the next regular election if it is scheduled no sooner than 45 days and no later than 75 days from certification. A special election is required if no regular election is scheduled within 75 days of certification. . (AS 29.26.170)

**Step 5.** If voters approve the measure, the new law becomes effective and cannot be modified for two years. (AS 29.26.190)



## **Referendum**

A referendum, which is much less common than an initiative election, is the process by which the people may, by petition and popular vote, repeal an ordinance or resolution of the governing body. The petition of referendum is processed in a manner similar to an initiative petition, but the petition addresses a law to be repealed rather than a law or resolution to be adopted. (AS 29.26.100 – 190 apply to the referendum process).

Examples of referendum votes to repeal an existing law include: repeal of a provision requiring candidates for mayor to be one year residents and repeal of an ordinance removing a property category from property tax exemptions.

The term referendum has two other common meanings. It is used to mean an advisory vote in which the governing body seeks the voters' opinion on a question. The governing body may seek the voters' opinion on any issue it chooses, but it is not bound by the results of an advisory vote.

Referendum also means a vote of the people is required by state law to enable a governing body to take certain actions. Main subjects for which state law requires a governing body to call a referendum vote are:

- Sales and Property Tax [AS 29.45.670; 29.45.590]
- Conflict of Interest Law [AS 39.50]
- Municipal Manager Plan of Government [AS 29.20.470]
- General Obligation Bond Issues [AS 29.47.190]

Once the referendum petition is certified, the ordinance or resolution that is the subject of the petition is suspended pending the vote. If the governing body repeals the ordinance or resolution in questions, the petition is void and the matter is not brought to a vote. If the vote favors the repeal, it becomes effective when the election is certified. (AS 29.26.180) The results of a referendum vote required by state law are binding on the governing body for 2 years. [AS 29.26.190]

## **Federal Voting Rights Act**

The Federal Voting Rights Act is a federal law passed in 1965 by the U.S. Congress to end practices that prevented minority groups from voting. There are three crucial provisions of the Act that affect elections in the State of Alaska. Those are:

- Prohibit the use of any voting qualification, standard, practice, or procedure that results in denial or restriction of the right to vote because of membership in a racial or language minority group.
- Require the use of appropriate languages, in addition to English, for registration and voting materials in certain jurisdictions to which single language minority criteria apply.
- Require certain jurisdictions, including Alaska and all its local governments, to

obtain pre-clearance from the U.S. Attorney General, Department of Justice, before implementing any change in a voting law, practice, or procedure.

Changing the election district boundaries in a way that a person who represents the interests of a racial minority group cannot be elected is an example of a “voting practice” that can affect the right to vote of a racial minority. Another violation of the Act is inadequate bilingual assistance and information in the voting process. The State has taken steps to address this problem through, for example, appointment of bilingual registrars and election officials, public service announcements in Alaska Native languages, and published information that is translated by Native language speakers.

Local election officials should become familiar with the provisions of the Act regarding assistance to language minority groups (28 CFR Part 55) and implement appropriate measures for effective assistance.

The Federal Voting Rights Act requires that the Department of Justice (DOJ) review proposed changes in voter qualifications, standards, practices, or procedures before they are put into practice. This is called pre-clearance. Unless the DOJ approves or “pre-clears” the change, the results of the election can be thrown out and legal action can be taken against the local government.

Court interpretation of the Act has clarified some the effects on local government actions. Following are some examples:

- Changes in the length of terms of office or candidacy requirements.
- Changes in the method of determining the outcome of an election (i.e. by requiring runoff elections or allowing election by majority vote.)
- Changes in voting or registration procedures.
- Annexations, incorporations, dissolutions, and detachments.
- Changes in municipal status.
- Dates of all special elections.

Any of these actions or any change in election procedures should be pre-cleared by the U.S. Department of Justice. Local governments request pre-clearance by sending a letter describing the adopted changes to the U.S. Department of Justice. The letter should offer evidence that the adopted changes will not deny or interfere with the voting rights of any person on account of race or membership in a language minority group.

The Department of Community and Economic Development (formerly Community and Regional Affairs), the Division of Elections, and the Department of Law have co-published a booklet entitled The Federal Voting Rights Act: Meeting The Standards that provides additional information for local governments trying to understand how to comply with the Act. Copies are available upon request.

## **Electioneering**

Electioneering is a term used to refer to election practices prohibited by [AS 15.15.160](#) and [AS 15.15.170](#). These prohibited practices are: discussion of any political party, candidate, or political issue inside of or within 200 feet of the polling place during the time the polls are open; and a prohibition against persuading a person to vote for or against a candidate, proposition, or question. The statute also requires election officials to post warning notices inside and outside the polling place building at the required distance to the polling place.

### **ELECTIONEERING**

Electioneering must not occur within the polling place or within 200 feet of the entrance to the polling place.

Electioneering includes the following:

1. Discussion of a candidate, including a write-in candidate, or issue;
2. Parked car with bumper sticker or large sign;
3. Wearing of buttons, pins, etc.; and
4. Displaying stickers, marked sample ballots, or election pamphlets.

A voter may bring their own sticker, pre-marked sample ballot or election pamphlet to the polls with them. If any of these materials are left, the election booths, board members shall dispose of them immediately.

**WRITE-IN VOTES**

A write-in vote is the writing-in of a candidate's name on the ballot.

To be a valid write-in vote, the voter **MUST MARK** the box next to the candidate's name.

**If a voter asks about writing in a candidate's name, point out the instructions on the sample ballot and refer him or her to the poster dealing in part with write-in votes. By referring the voter to the written instructions, each voter receives the same set of instructions. The election board members do not tell any voter that a write-in candidate is running for office or discuss any candidate, including write-in candidates, at the polls with a voter.**

Periodically, the election board should check each polling booth to make sure that no sticker, sample ballot, election pamphlet or other material has been left in the polling booth.

**EMERGENCY SITUATIONS**

Occasionally, situations may occur that are out of the ordinary. Following are some examples and ways to deal with them:

**Election board member is sick or doesn't come to polls.** Begin to recruit a substitute. If a person with prior experience is available, that person should be selected, otherwise, recruit any qualified voter.

**Ballot box is missing.** Prepare a shoe box, lunch box, or any other type of empty box in which the voters may put ballots (Note: the box must be sealed with tape or some other appropriate method.). If the ballot box is located, open the ballot box to show that it is empty, put the voted ballots from the substitute box into the ballot box, seal the ballot box and continue voting.

**Polling booths missing.** Instruct the voters to move to a private spot in the polling place and vote.

**Polling place is destroyed or unusable.** Call the Election Supervisor and request assistance to find another polling place. The Election Supervisor will notify the news media and others of the polling place change. If a school, public building, church or even a private home is an appropriate substitute, ask permission to set up the polls and inform the Division of Elections.

**Not enough official ballots or missing ballots.** Use sample ballots, ballots removed from the official election pamphlet, and sheets of paper on which the names of candidates and issues have been written. Complete the certificate on the back of the original and duplicate tally sheets regarding use of unofficial ballots.

**Precinct Register Missing.** Have the voters sign their names, and print their mailing and residence addresses on a sheet of paper. If the Precinct Register arrives, place the paper containing the signatures and addresses of the voters in the back of the Register, and have the voters begin to sign in the Precinct Register.

**Lock doesn't fit ballot box.** Use any means including taping the lid on to secure the box.

**Key doesn't work in the ballot box lock.** Cut the lock so you may begin to count ballots.